

Message Text

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SS-20 USIA-15 TRSE-00 RSC-01 NSC-07 EB-11 MC-02 DRC-01

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P R 121514Z JUL 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 3765

SECDEF WASHDC PRIORITY

INFO CINCUSAFE RAMSTEIN

CINCEUR VAIHINGEN

CSAF WASHDC

COMAC SCOTT AFB

435 MAS RHEIN MAIN AFB

C O N F I D E N T I A L SECTION 01 OF 03 BONN 11062

E.O. 11652: GDS

TAGS: MARR, GW

SUBJECT: MOU ON USE OF GERMAN AIRFIELDS BY U.S. FORCES

REFS: (A) STATE 128671, (B) BONN 7061, (C) BONN 2957

1. ON 27 JUNE U.S. REPRESENTATIVES MET WITH OFFICIALS OF VARIOUS FRG MINISTRIES (FOREIGN AFFAIRS, MOD, AND TRANSPORTATION) AND CONVEYED STATE/DEFENSE VIEWS SET FORTH IN PARA 2, REF A.

2. FRG REPRESENTATIVES DO NOT AGREE THAT UNDERLYING PURPOSE OF MOU IS TO PERMIT U.S. USE OF FRG CIVIL AIRFIELDS "UNDER ANY SPECIAL CIRCUMSTANCES." THEY ADVISED THAT FRG TERM "IN TIME OF CRISIS" IS INTENDED TO APPLY ONLY IN SITUATIONS "WHICH ARE BASED ON IMPORTANT POLITICAL/MILITARY CONSIDERATIONS." THEY FURTHER ADVISED THAT THIS MOU IS NOT TO BE VIEWED AS AN "OPEN
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DOOR TYPE OF AGREEMENT TO BE APPLIED TO A BROAD VARIETY

OF SITUATIONS UPON REQUEST." AUTHORIZATION FOR EMERGENCY LANDINGS, FOR EXAMPLE, WOULD IN FRG VIEW BE GRANTED ROUTINELY BUT WOULD NOT FALL UNDER PROVISIONS MOU. FRG REPRESENTATIVES EMPHASIZED FACT THAT PLANS TO BE JOINTLY DEVELOPED IN IMPLEMENTATION OF THE MOU WILL ADDRESS PRIMARILY, IF NOT EXCLUSIVELY, LARGE SCALE OPERATIONS REQUIRED FOR FULFILLMENT OF U.S. DEFENSE MISSION.

3. AFTER PROTRACTED DISCUSSION, FRG REPRESENTATIVES AGREED TO DELETION OF WORDS "AS A CONTINGENCY FOR TIMES OF CRISIS" WHICH APPEAR IN SECOND PARAGRAPH OF PREAMBLE, AND TO DELETION OF FIRST FOUR WORDS IN ARTICLE 1 ("IN TIME OF CRISIS"), AND SUBSTITUTION THEREFORE OF WORDS "IN FULFILLMENT OF THEIR DEFENSE MISSION."

4. FRG REPRESENTATIVES THEN ADVISED THAT THEY WERE NOW OF THE OPINION, AFTER HAVING HAD EXTENSIVE DISCUSSION WITH THEIR MILITARY AND CONSTITUTIONAL LAW EXPERTS, THAT SUBPARAGRAPHS B AND C OF ARTICLE 2 SHOULD BE REVISED IN INTEREST OF ACCURACY AND COMPLETENESS. THEY TABLED THE FOLLOWING REVISED TEXT TO ACCOMPLISH THE OBJECTIVE:

"B. A CORRESPONDING DECISION HAS BEEN TAKEN BY THE NATO COUNCIL OR THE DEFENSE PLANNING COMMITTEE (DPC), OR

"C. A MEASURE, STATE OR STAGE OF THE NATO ALERT SYSTEM HAS BEEN DECLARED BY THE SUPREME ALLIED COMMANDER, EUROPE (SACEUR), AND THE FEDERAL REPUBLIC OF GERMANY HAS CONSENTED TO THE USE BY THE UNITED STATES FORCES OF THE AFOREMENTIONED FACILITIES AND SERVICES."

U.S. REPRESENTATIVES AGREED THAT PROPOSED TEXT OF ARTICLE 2B IS MORE PRECISE (SEE NATO MC DOC 67-3) AND INDICATED THEIR TENTATIVE CONCURRENCE AD REFERENDUM STATE/DEFENSE.

5. PROPOSED ARTICLE 2C REFLECTS A REVERSAL OF PRIOR FRG POSITION (SEE PARA 2, REF B, AND PARA 2, REF C) THAT
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UNDER PROVISIONS PARA 3, ARTICLE 80A OF FRG CONSTITUTION, A FORMAL SACEUR ALERT DECLARATION (SIMPLE, REINFORCED AND GENERAL) TOOK IMMEDIATE EFFECT, IN SO FAR AS FRG CONCERNED, WITHOUT NEED FOR PRIOR BUNDESTAG APPROVAL. FRG REPRESENTATIVES ADVISED THAT THIS REVISION NECESSITATED BY RECENT OPINION OF FRG CONSTITUTIONAL AUTHORITIES. FRG REPRESENTATIVES NOTED THAT, AS A PRACTICAL MATTER, FRG APPROVAL OF FORMAL SACEUR DECLARA-

TIONS WOULD BE IMMEDIATELY FORTHCOMING AND WOULD IN NO WAY DELAY IMPLEMENTATION OF PLANS DEVELOPED UNDER ARTICLE 5 OF THE MOU. THE U.S. REPRESENTATIVES INTERPOSED NO OBJECTION TO THE PROPOSED REVISION IN THAT IT SIMPLY REFLECTS FRG CONSTITUTIONAL REQUIREMENTS.

6. CHANGES MADE IN ARTICLE 2 OF MOU NECESSITATED CERTAIN COMPENSATING CHANGES IN ARTICLES 6 AND 7 OF MOU. ARTICLES

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6 AND 7 WERE REVISED AS FOLLOWS:

"ARTICLE 6: THE PLANS TO BE ESTABLISHED UNDER ARTICLE 5 SHALL, PRIOR TO THE ALERT DECLARATIONS REFERRED TO IN ARTICLE 2B AND C, ABOVE, ACCORD TO THE AIR TRANSPORT MOVEMENTS OF THE UNITED STATES FORCES THE PRIORITIES REQUIRED FOR THE EFFECTIVE ACCOMPLISHMENT OF

THEIR DEFENSE MISSION, WITHOUT THEREBY PRJUDICING THE VITAL INTERESTS OF THE FEDERAL REPUBLIC OF GERMANY."

"ARTICLE 7: UPON THE ALERT DECLARATIONS REFERRED TO IN ARTICLE 2B AND C, ABOVE, THE APPLICABLE NATO PLANS SHALL BE IMPLEMENTED. THE PLANS ESTABLISHED UNDER ARTICLE 5 FOR PERIODS PRIOR TO SUCH ALERT DECLARATIONS SHALL CONTINUE IN FORCE TO THE EXTENT THAT THEY ARE COMPATIBLE WITH NATO PLANS."

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7. EXCEPT FOR CHANGES IDENTIFIED ABOVE (2ND PARA OF PREAMBLE, ARTICLES 1,2,3,6 AND 7, AND INSERTION OF WORD "SHARED" IMMEDIATELY BEFORE THE WORD "USE" IN THE FIRST LINE OF ARTICLE 3), THE PROVISIONS OF REVISED MOU ARE SUBSTANTIVELY THE SAME REPORTED REF B. FULL TEXT OF REVISED MOU IS SET FORTH IN SECTION II OF THIS MESSAGE.

8. WE BELIEVE THAT REVISED MOU WILL NOT IMPAIR ACCOMPLISHMENT OF U.S. DEFENSE MISSION. ALSO BELIEVE THAT TEXT AS NOW REVISED IS BEST THAT CAN BE OBTAINED.

9. STATE/DOD CONCURRENCE OR FURTHER INSTRUCTION BY 14 JUL 74 WOULD BE APPRECIATED.

BEGIN TEXT

"MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA AND THE FEDERAL MINISTER OF TRANSPORT OF THE FEDERAL REPUBLIC OF GERMANY ON THE SHARED USE OF CIVILIAN AIRFIELDS AND OTHER LANDING AREAS IN THE TERRITORY OF THE FEDERAL REPUBLIC OF GERMANY NOT MADE AVAILABLE FOR EXCLUSIVE USE BY THE UNITED STATES FORCES OR THEIR CIVILIAN COMPONENT, FOR LANDING AIRCRAFT IN THE SERVICE OF THE UNITED STATES FORCES.

THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA AND THE FEDERAL MINISTER OF TRANSPORT OF THE FEDERAL REPUBLIC OF GERMANY HAVE, IN THE SPIRIT OF ARTICLE 3 OF THE NORTH ATLANTIC TREATY AND IN CCORDANCE WITH PARAGRAPH 6 OF ARTICLE 57 OF THE AGREEMENT OF 3 AUGUST 1959 TO SUPPLEMENT THE NATO STATUS OF FORCES AGREEMENT, AGREED AS FOLLOWS:

ARTICLE 1: IN FULFILLMENT OF THEIR DEFENSE MISSION, THE UNITED STATES FORCES SHALL BE ALLOWED TO SHARE THE USE OF CIVILIAN AIRFIELDS AND OTHER LANDING AREAS IN THE TERRITORY OF THE FEDERAL REPUBLIC OF GERMANY THAT HAVE NOT BEEN MADE AVAILABLE FOR EXCLUSIVE USE BY THE UNITED STATES FORCES, AS WELL AS THE SERVICES OF THE GERMAN AIR TRAFFIC CONTROL UNITS AND THE INSTALLATIONS, EQUIPMENT AND SERVICES OF SUCH AIRFIELDS AND OTHER LANDING AREAS IN ACCORDANCE WITH THE FOLLOWING ARTICLES.

ARTICLE 2: THE UNITED STATES FORCES SHALL BE
ALLOWED TO SHARE THE USE OF THE FACILITIES AND SERVICES
REFERRED TO IN ARTICLE L ONLY AFTER
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A) THE GOVERNMENTS OF BOTH CONTRACTING PARTIES
HAVE AGREED ON THE NEED FOR SUCH USE, OR

B) A CORRESPONDING DECISION HAS BEEN TAKEN BY
THE NATO COUNCIL OR THE DEFENSE PLANNING COMMITTEE (DPC),
OR

C) A MEASURE, STATE, OR STAGE OF THE NATO ALERT
SYSTEM HAS BEEN DECLARED BY THE SUPREME ALLIED COMMANDER,
EUROPE (SACEUR), AND THE FEDERAL REPUBLIC OF GERMANY HAS
CONSENTED TO THE USE BY THE UNITED STATES FORCES OF THE
AFOREMENTIONED FACILITIES AND SERVICES.

ARTICLE 3: THE SHARED USE OF THE FACILITIES AND
SERVICES REFERRED TO IN ARTICLE 1 SHALL BE IN ACCORDANCE
WITH PLANS ESTABLISHED PURSUANT TO ARTICLE 5.

THESE PLANS SHALL FORM AN INTEGRAL PART OF THE
PRESENT MEMORANDUM.

ARTICLE 4: THE PRESENT MEMORANDUM SHALL APPLY TO
ALL AIRCRAFT USED IN THE SERVICES OF THE UNITED STATES
FORCES.

ARTICLE 5: TO ENSURE AIR TRAFFIC SAFETY, HEAD-
QUARTERS US EUCOM SHALL ESTABLISH THE AFOREMENTIONED
PLANS IN CLOSE CONSULTATION WITH THE FEDERAL MINISTER OF
TRANSPORT; THE PLANS SHALL BE MODIFIED, IF NECESSARY,
FOLLOWING TIMELY CONSULTATION WITH THE FEDERAL MINISTER
OF TRANSPORT.

THE PLANS, AS WELL AS MODIFICATIONS THERETO, SHALL
BECOME EFFECTIVE AFTER THE FEDERAL MINISTER OF TRANSPORT

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HAS INFORMED HEADQUARTERS EUCOM IN WRITING OF HIS APPROVAL.

THE FEDERAL MINISTER OF TRANSPORT WILL COMMUNICATE HIS DECISION REGARDING APPROVAL WITHIN THE SHORTEST POSSIBLE TIME.

IN THE EVENT OF DIFFERENCES OF OPINION, DULY APPOINTED REPRESENTATIVES OF BOTH CONTRACTING PARTIES SHALL MEET PROMPTLY WITH A VIEW OF SETTLING THE DIFFERENCES WITHOUT DELAY.

ARTICLE 6: THE PLANS TO BE ESTABLISHED UNDER ARTICLE 5 SHALL, PRIOR TO THE ALERT DECLARATIONS REFERRED TO IN ARTICLE 2B AND C, ABOVE, ACCORD TO THE AIR TRANSPORT MOVEMENTS OF THE UNITED STATES FORCES THE PRIORITY REQUIRED FOR THE EFFECTIVE ACCOMPLISHMENT OF THEIR DEFENSE MISSION, WITHOUT THEREBY PREJUDICING THE VITAL INTERESTS OF THE FEDERAL REPUBLIC OF GERMANY.
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ARTICLE 7: UPON THE ALERT DECLARATIONS REFERRED TO IN ARTICLE 2B AND C, ABOVE, THE APPLICABLE NATO PLANS SHALL BE IMPLEMENTED. THE PLANS ESTABLISHED UNDER ARTICLE 5 FOR PERIODS PRIOR TO SUCH ALERT DECLARATIONS SHALL CONTINUE IN FORCE TO THE EXTENT THAT THEY ARE COMPATIBLE WITH NATO PLANS.

ARTICLE 8: WITH A VIEW TO IMPLEMENTING THE PLANS ESTABLISHED UNDER ARTICLE 5 THE UNITED STATES FORCES AUTHORITIES AND THE FEDERAL MINISTER OF TRANSPORT SHALL HOLD CONSULTATIONS AS SOON AS ONE OF THE REQUIREMENTS FOR THE APPLICATION OF THE PLAN AS LAID DOWN IN ARTICLE

2 HAS BEEN MET.

IF THE SPECIAL CIRCUMSTANCES OF THE SITUATION LEAVE NO TIME FOR SUCH CONSULTATIONS THE UNITED STATES FORCES AUTHORITIES SHALL INFORM THE FEDERAL MINISTER OF TRANSPORT AS PROMPTLY AS POSSIBLE OF THE BEGINNING OF THE IMPLEMENTATION OF SUCH PLANS.

ARTICLE 9: THE PRESENT MEMORANDUM OF UNDERSTANDING SHALL REMAIN IN FORCE FOR SUCH TIME AS FORCES OF THE UNITED STATES OF AMERICA ARE STATIONED IN THE FEDERAL REPUBLIC OF GERMANY IN ACCORDANCE WITH THE CONVENTION OF 23 OCTOBER 1954 ON THE PRESENCE OF FOREIGN FORCES IN THE FEDERAL REPUBLIC OF GERMANY OR ANY AGREEMENT WHICH MAY REPLACE IT.

THE PRESENT MEMORANDUM OF UNDERSTANDING SHALL BE REVIEWED AT ANY TIME UPON THE REQUEST OF EITHER CONTRACTING PARTY WITH A VIEW TO AMENDING IT BY MUTUAL AGREEMENT.

ARTICLE 10: THE PRESENT MEMORANDUM OF UNDERSTANDING SHALL BECOME EFFECTIVE ON THE DATE OF SIGNATURE THEREOF.

DONE AT.....

ON THIS DAY OF.....

IN DUPLICATE IN THE ENGLISH AND GERMAN LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHORITATIVE."

END TEXT

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Message Attributes

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